

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

2007 MAY -2 A 9:31

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

ISAMEL F. ARNAIZ,

Petitioner,

vs.

WARDEN, Federal Satellite Low,

Respondent.

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CIVIL ACTION NO.: CV207-012

ORDER

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Arnaiz contends the Magistrate Judge erroneously assumed his 28 U.S.C. § 2241 petition was filed pursuant to the savings clause of 28 U.S.C. § 2255. Arnaiz asserts he never claimed reliance on the savings clause. Arnaiz contends, by its very terms, section 2255 does not apply to a challenge to the restitution portion of a sentence; accordingly, Arnaiz asserts, because § 2255 does not apply, the savings clause of that section does not apply. Arnaiz alleges he cannot bring his restitution claims in a section 2255 proceeding.

Arnaiz's Objections are without merit. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. Arnaiz's petition for writ of

habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED**. The Clerk of Court is hereby authorized and directed to enter an appropriate Judgment of Dismissal.

SO ORDERED, this 1st day of May, 2007.


JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA